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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,600	12/13/2000	Lorenz Camenzind	P/543-103	1539
2352	7590	11/17/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			VERBITSKY, GAIL KAPLAN	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/674,600

Applicant(s)

CAMENZIND ET AL.

Examiner

Gail Verbitsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,8,9,11,13,14,23,25 and 41-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,8,9,11,13,14,23,25 and 41-51 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 41-48 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub (U.S. 4,854,045) in view of Vinci, McIntosh and Helberg (U.S. 6,043,438).

Schaub discloses in Figs. 1-2 a multifunctional tool comprising at least one pocket knife and at least one measuring and display device/ LCD 21 for displaying a sensed/ measured value by a tool hand (sensor, col. 2, lines 36-38) 12, 13. The device also comprises at least two cover plates and a casing connected by connecting means (mechanical and electronic) 8, 11, 31, 35 and (pins) 36, 46. The device 21 can releasably snap in/ out. The device further comprises, a memory module (storing means) to store measured data, an emergency transmitter module (sensing member) 1, batteries, entry keys (menu device) 22, watch (time). Schaub states that the number of modules can be expanded depending on the number of measuring devices contained in the modules. Thus, in a broad sense, it is considered that Schaub suggests measuring a plurality of values. Although Schaub does not explicitly describe a microprocessor and a converter, however, since the device has a calculator, it would be inherent to have a microprocessor and a converter, since it is well known in the art that the microprocessor and converters are part of the calculators.

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(The device comprises at least two cover plates 23-24 and A enclosing and integrally attached to the pocket knife on both sides, as shown in Fig. 2, and a display device 21 is attached to the cover plate 23-24. The device also comprises at least one pocket knife, at least one casing 23 enclosing the pocket knife, a cover plate 24 is attached/ integrally mounted to the casing 23, at least one display 21 is arranged in the casing 23. In addition, the pocketknife is disposed in at least one casing 23, the casing comprises more additional tools, as shown in Fig. 2, the display device 21 and a menu circuit (keyboard) 22 are disposed in (within) the casing 23. The fact that at least one measuring device is arranged in the same casing and directly attached, as shown in Fig. 2, to the pocket knife, would imply, that all the modules, including the cover plate 23 having the display 21 and the menu 22 are integrally attached. Furthermore, the device comprises at least one casing 24 and a cover plate 23 on the casing, the casing and the plate are arranged in the same size so as to accommodate a compact arrangement, so as to function the multifunctional knife. The display 21 is disposed on the cover plate 23. The cover plate 23 is releasably mounted to the casing 24. The device can comprise an emergency transmitter module (Emergency Localization transmitter. Thus, it would imply that it comprises an interface to transmit an emergency signal to a receiving remote station (Emergency Localization). This would imply, that the device would have an access control member and thus, an access control circuit, for providing (emitting) an emergency signal (access signal) recognizable by an institution. It is inherent, that the device/ display can be switched on/ off. As shown in Fig. 2, the cover plates are mounted on the casing as a whole/ integral. Applying a pressure onto a key 22 of a

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keyboard, a menu circuit can be operated. According to Fig. 2, the cover plate can be releasably removed from the device. The numeral A has been added by the Examiner, see attachment # 1 to the previous Office Action).

Although Schaub clearly suggests having a sensor unit, Schaub is silent so as to measuring a physical value and a plurality of sensors sensing/ measuring a plurality of physical values, as stated in claim 1, in combination with the remaining limitations of claims 41-48.

Vinci discloses a multifunctional hand held device for measuring a plurality of physical values by using a plurality measuring/ sensing devices activated by selecting the respective measuring device and mode of operation, and displaying the respective physical value and the mode of operation. Vinci teaches to incorporate a pressure-measuring sensor to measure pressure in the device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub, so as to have a plurality of measuring devices to measure a plurality of physical values including a pressure, as taught by Vinci, so as to provide the user with a multiple purpose device, while allowing the user to keep the device in the pocket.

McIntosh discloses in Fig. 7 a device in the filed of applicant endeavor comprising a weighting scale/ element 6-10 wherein a hook 8 is pulled out of a pocket knife device when the weight scale is used to measure a weight. The device also comprises a removable flash light, as shown in Fig. 5.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a weighting scale and a hook, as taught by McIntosh, to the device disclosed by Schaub, so as to provide the user with a weighing device usable for weighting food/ fish during a camping.

With respect to having the scale electronic: Helberg teaches to have scale/ weighing hook with an electronic display. This would imply that there is a conversion circuit converting a physical data measured by the scale into an electronic data readable on the electronic display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Schaub, Vinci and McIntosh, so as to have an electronic display scale, as taught by Helberg, in order to have a common electronic display to display the entire data from all sensors, and thus, to minimize the size of the device, as very well known in the art.

3. Claims 2, 3, 8, 11, 13-14, 23 and 50 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub in view of Vinci and Brooke, Jr. et al. (U.S. 6424884) [hereinafter Brooke].

Schaub and Vinci disclose the device as claimed by applicant (see combination in paragraph 2) with the exception of the access control member, as stated in claims 23 and 50, with the remaining limitations of claims 2, 3, 8, 11, 13-14, 23 and 50.

Brooke discloses an interrogation device/ transponder 16, which emits wireless signal for accessing an external device/ vending machine/ control device). This would imply that the device is acting as an access control member or a smart card/ key,

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inherently, having, and an access control circuit. The interrogation device can be embedded, besides others, in a pocketknife.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Schaub and Vinci, so as to have an access control module having an access control circuit included/ embedded in the device, as taught by Brooke, in order to provide the user with a hidden smart card/ access member giving the user an access not intended for other persons.

4. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub, Vinci and Brooke as applied to claims 2, 3, 8, 11, 13-14, 23 and 50 above, and further in view of McIntosh and Helberg.

Schaub, Vinci and Brooke disclose the device as stated above. They do not teach an electronic scale, as stated in claim 51.

McIntosh discloses in Fig. 7 a device in the filed of applicant endeavor comprising a weighting scale/ element 6-10 wherein a hook 8 is pulled out of a pocket knife device when the weight scale is used to measure a weight. The device also comprises a removable flash light, as shown in Fig. 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a weighting scale and a hook, as taught by McIntosh, to the device disclosed by Schaub, Vinci and Brooke, so as to provide the user with a weighing device usable for weighting food/ fish during a camping.

With respect to having the scale electronic: Helberg teaches to have a scale/ weighing hook with an electronic display. This would imply that there is a conversion circuit

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converting a physical data measured by the scale into an electronic data readable on the electronic display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Schaub, Vinci and McIntosh, so as to have an electronic display scale, as taught by Helberg, in order to have a common electronic display to display the entire data from all sensors, and thus, to minimize the size of the device, as very well known in the art.

5. Claim 25 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub, Vinci Park and Kashef as applied to claims 2, 3, 8, 11, 13-14, 23 and 50 above, and further in view of Tymkewicz.

Schaub, Vinci, Park and Kashef disclose the device as claimed by applicant.

They do not teach the limitations of claim 25.

Tymkewicz teaches that the display can turn off automatically after a period of time (col. 6, lines 61-64, and col. 7, lines 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub, Vinci, Park and Kashef, so as to turn the display/ device off automatically after a period of time when the device is not used, as taught by Tymkewicz, in order to save life of battery and to prolong the longevity of the device.

6. Claim 49 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub, Vinci, McIntosh and Helberg as applied to claims 41-48 above, and further in view of Tymkewicz.

Schaub, Vinci, McIntosh and Helberg disclose the device as stated above.

They do not teach the limitations of claim 49.

Tymkewicz teaches that the display can turn off automatically after a period of time (col. 6, lines 61-64, and col. 7, lines 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, so as to turn the display/ device off automatically after a period of time when the device is not used, as taught by Tymkewicz, in order to save life of battery and to prolong the longevity of the device.

7. Claims 2, 3, 8, 11, 13-14, 23 and 50 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub in view of Vinci, Park and Kashef et al. (U.S. 6808111) [hereinafter Kashef].

Schaub and Vinci disclose the device as claimed by applicant (see combination in paragraph 2) with the exception of the access control member, as stated in claims 23 and 50, with the remaining limitations of claims 2, 3, 8, 11, 13-14, 23 and 50.

Park discloses a pocketknife wherein an opening for keys (key chain) is inseparable/ integral part of a pocketknife.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Schaub and Vinci, so as to have a pocket knife having an opening for a key, as taught by Park, so as to attach key(s) to the pocketknife, and thus, eliminate an extra key chain used by the user for the keys.

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Kashef teaches a smart ATM card/ key (access control member with access control circuit) to emit a signal for accessing a (any) bank/ store (any institution). Kashef teaches to keep the card on a key chain. In a broad sense, it is considered, that Kashef can wear the card/ key on any key chain including a key chain, which is a part of another device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, so as to have an access control module having an access control circuit included in the device by attaching it to the key chain which is a part of the device, disclosed by Schaub, Vinci and Park, in order to make the device instantly available to the user.

8. Claim 9 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub, Vinci, Park and Kashef as applied to claims 2, 3, 8, 11, 13-14, 23 and 50 above, and further in view of McIntosh.

Schaub, Vinci, Park and Kashef disclose the device as claimed by applicant with the exception of the weighting device.

McIntosh discloses in Fig. 7 a device in the filed of applicant endeavor comprising a weighting scale/ element 6-10 wherein a hook 8 is pulled out of a pocket knife device when the weight scale is used to measure a weight. The device also comprises a removable flash light, as shown in Fig. 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a weight scale and a hook, as taught by McIntosh,

to the device disclosed by Schaub, Vinci, Park and Kashef, so as to provide the user with a weighing device usable for weighing food/ fish during a camping.

Response to Arguments

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 2, 3, 8-9, 11, 13-14, 23, 25: claim 23 was previously objected. Claim 23 and all dependent claims are now rejected in view of the new ground of rejection necessitated by the present amendment.

With respect to claims 41-48: the arguments are now moot in view of the new ground of rejection necessitated by the present amendment. Also, although applicant claims an electronic scale, it is not clear from neither specification nor claims what kind of scale applicant means. It is very well known in the art that measuring devices can be completely electronic, i.e., having an electronic input and output (i.e., thermistor and digital display respectively) or having a mechanical input and electronic output (see also U.S. Application No. 20030127253A).

Furthermore, please note, that in the rejection on the merits, the examiner considers that the scales claimed by applicant have mechanical input (hook) and electronic output (digital display).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Liu (U.S. 5652587) teaches that a knife can be combined with a remote control (access member having an access control circuit), which emits a (access) signal to remote equipment.

Any inquiry concerning this communication should be directed to the Examiner Verbitsky who can be reached at (571) 272-2253 Monday through Friday 8:00 to 4:00 ET.

GKV

Gail Verbitsky

Primary Patent Examiner, TC 2800



November 07, 2005